

OCT 15 2008

PAGE 1/2 * RCVD AT 10/15/2008 10:59:42 AM [Eastern Daylight Time] * SVR:USPTO-EFAXRF-4/22 * DNIS:2738300 * CSID: * DURATION(mm-ss):01-22

Agent's Docket N. 40379/DOB/st

OFFICIAL
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (001)(571) 273-8300) on the date shown below.
Milan,
October 15, 2008
Daniel O'Byrne (Reg. No. 36,625)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Applicant: BISCARINI, Fabio *et al.*)
Ser. No.: 10/537,158) Group Art Unit: 1762
Filed: May 31, 2005) Examiner: BURKHAT, E A
For: PROCESS FOR OBTAINING SPATIALLY-)
ORGANISED NANOSTRUCTURES ON)
THIN FILMS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450 USA

Sir,

REQUEST FOR CONSIDERATION OF PETITION

Applicant respectfully requests **urgent consideration**, by the Office, of the **PETITION TO WITHDRAW HOLDING OF ABANDONMENT**, filed by applicant and received in the Office on March 21, 2008, as evidenced by the enclosed copy of the cover page of such petition including the Office date stamp of "Mar 21 2008".

Respectfully submitted,


Daniel O'Byrne (Reg. No. 36,625)
Agent for the Applicant

Encl. —Copy of cover page of Petition March 19, 2008

Date: October 15, 2008
Address: Via Meravigli 16, 20123 MILAN-ITALY
Telephone: (from USA) (011)(39)(02) 8590-7777
Telefax: (from USA)(011)(39)(02) 863-860

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Agent's Docket N. 40379/DOB/st

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 15 2008

In re application of:)
Applicant: Fabio Biscarini *et al.*)
Ser. No.: 10/537,158) Group Art Unit: 1762
Filed: May 31, 2005) Examiner: Burkhat, Elizabeth A
For: Process for obtaining spatially-)
organised nanostructures on thin films)

Commissioner for Patents

Mail Stop Issue Fee

P.O. Box 1450

Alexandria, VA 22313-1450 USA

**PETITION TO THE DIRECTOR, TO WITHDRAW HOLDING OF ABBANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION [MPEP 711.03(c) A]**

Sir:

Receipt is hereby acknowledged of the Notice of Abandonment mailed January 25, 2008 which purports that the application has been abandoned owing to applicant's failure to timely file a proper reply to an Office Letter mailed October 24, 2007.

Applicant, through his duly appointed agent of record, the undersigned, respectfully requests reconsideration of the holding of abandonment in view of the fact, that the above identified Office Letter was never received by the office of the agent of record, as shown below.

Enclosed as **EXHIBIT B** is a declaration in lieu of oath of Mrs Myriam Canonne, hereinafter simply Mrs Canonne, as identified in the declaration, showing that Mrs Canonne became aware only from the above identified Notice of Abandonment that the mentioned Notice to file corrected drawings mailed October 24, 2007 was not received and showing in the Exhibit A that Mrs Canonne obtained from the on-line database with the USPTO on February 7, 2008 a copy of the said *Notice To File Corrected Application Papers* mailed October 24, 2007. Note that the date of February 7, 2008 appears on the right side bottom corner of the pages of Exhibit A and is written according to the European standards, indicating first the day and afterwards the month and the year. The above action of Mrs Canonne indicates that the missing *Notice To File Corrected Application Papers* mailed October 24, 2007 was not received by the agent's of record firm, since otherwise it would not have been necessary for Mr. Canonne to obtain an on-line copy of such Notice.

Moreover, enclosed as **EXHIBIT C** is a copy of the December 24, 2007 page of the calendered note book of Mrs. Canonne, where the time limits of specific patent application prosecution dockets are indicated for which the agent of record actions were due on December 24, 2007, calendered note book mentioned in point 2) of Exhibit B.

As it appears from Exhibit C no time limit of December 24, 2007 is indicated therein for the